

September 13, 2001

Ms. Sherry Morton
Millennium Health & Fitness
1235 Rio Way

Vista, CA 92083

IN RESPONSE REFER
TO FOIA/PA 2001-
016A
(FOIA/PA 2001-0251)

Dear Ms. Morton:

I am responding to your letter of June 27, 2001, in which you appealed Ms. Carol Ann Reed's June 20, 2001 response to your Freedom of Information Act (FOIA) request (FOIA-2001-0251). Ms. Reed's response denied portions of the record identified on the enclosed Appendix A.

Acting on your appeal, the record in this case has been carefully reviewed and it has been determined that the withheld information on page H-5 may be released and is enclosed. The remaining withheld portions contain confidential business (proprietary) information. Therefore, this information will continue to be withheld from public disclosure pursuant to Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.17(a)(4) of the Commission's regulations. Your appeal is, therefore, partially granted and partially denied.

This is a final agency decision. As set forth in the FOIA (5 U.S.C. 552)(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

/RA/

Patricia G. Norry
Deputy Executive Director for
Management Services

Enclosures: As stated

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FOIA/PA-2001-016A

(FOIA/PA 2001-0251)

**APPENDIX A
RECORD WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	5/26/00	Contract No. NRC-38-00-290 (61 pages) EX. 4